IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

WP(C).No. 35175 of 2007(K)

PETITIONER:

M/S.NORTECH INFONET (P)LTD.,
COLTON HOUSE, BANK ROAD, KALOOR,
COCHIN-682 017 REPRESENTED BY K.SASIKUMAR,
MANAGER.

BY ADV. SRI.ARIKKAT VIJAYAN MENON
SRI.HARISANKAR V. MENON
SRI.MAHESH V.MENON
SMT.MEERA V.MENON

RESPONDENTS:

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1. SALES TAX OFFICER, IIND CIRCLE,
KALAMASSERY AT PALARIVATTOM.

2. DEPUTY COMMISSIONER OF COMMERCIAL TAXES
(APPEALS), ERNAKULAM.

3. INSPECTING ASST. COMMISSIONER,
DEPARTMENT OF COMMERCIAL TAXES,
KAKKANAD, COCHIN-30.

BY G.P.SRI. GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

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W.P.(C) No. 35175 of 2007

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Dated this the 28th day of November, 2007

JUDGMENT

By Ext.P5 order of the appellate authority, stay was granted on condition of remittance and furnishing security for the balance. It was ordered that the conditions should be complied with within one month from the date of receipt of copy of the order. Admittedly, the time frame could not be complied with and the amount was remitted on 19-8-2007. It is submitted that this payment has been accepted by the respondents.

2. What remains is compliance with the condition of security for the balance amount. The petitioner submits that though they are willing to comply with the conditions, the respondents are not accepting the security furnished and therefore he could not comply with the time frame. Since the petitioner offers their willingness to comply with the condition imposed by the appellate authority, the petitioner should be permitted to do so.

3. Taking into account the submissions made above, ten days' is granted to the petitioner to furnish the security by way of bank guarantee for the balance amount mentioned in Ext.P5, in which case the 1st respondent shall accept the same and treat it as in compliance with Ext.P5.

4. It is made clear that in view of the above there is no question of continuing Exts.P6 and P7 notices.

The writ petition is disposed of as above.

Antony Dominic,
Judge.

mn.